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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
Amendment of Section 73.202(b) ) MB Docket No. 02-166  
Table of Allotments ) RM-10478  
FM Broadcast Stations )  
(Salina, Utah) )

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To: Assistant Chief, Audio Division  
Media Bureau

REPLY COMMENTS

Millcreek Broadcasting, L.L.C. ("Millcreek"), licensee of Station KUUU(FM), Tooele, Utah, by its counsel, files these comments pursuant to the *Notice of Proposed Rule Making* in this proceeding (DA 02-1553, released July 5, 2002). The *NPRM* proposes to allot Channel 276C to Salina, Utah at the request of Sierra Grande Broadcasting ("Sierra Grande").

1. Sierra Grande, the petitioner in this proceeding, has failed to file comments expressing a continuing interest in a channel at Salina, Utah. The submission of an expression of interest is a requirement for the allotment of a channel. *See Nassawadox, Virginia*, 13 FCC Rcd 2985 (1988); Paragraph 2 of the Appendix to *Notice of Proposed Rule Making*. The remedy for failure to express an interest is dismissal. *Id.* Therefore, the Commission should dismiss the petition for rule making.<sup>1</sup>

2. As Millcreek set forth in its Comments in this proceeding (filed August 26, 2002), the allotment proposed in the *NPRM* is in conflict with Millcreek's counterproposal in MB Docket No. 02-14 (Ketchum, Idaho). Millcreek had proposed an alternative channel, Channel

<sup>1</sup> In addition, in comments filed in MB Docket No. 02-14 on July 18, 2002, Sierra Grande effectively withdrew its expression of interest in Channel 276C at Salina. A copy of those comments was attached to Millcreek's comments in this proceeding (filed Aug. 26, 2002).

300C, that could be allotted to Salina to avoid the conflict. However, Sierra Grande's failure to express an interest in a channel at Salina moots any conflict.

WHEREFORE, for the foregoing reasons, the Commission should dismiss the petition for rule making and decline to allot a channel to Salina, Utah.

Respectfully submitted,

MILLCREEK BROADCASTING, L.L.C.

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September 10, 2002

## CERTIFICATE OF SERVICE

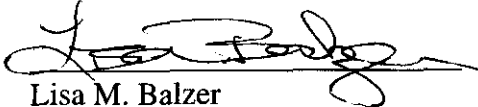
I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 10th day of September, 2002 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**REPLY COMMENTS**" to the following:

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